



**ఆంధ్రప్రదేశ్ రాజ పత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

W.No.45

AMARAVATI, SATURDAY, NOVEMBER 12, 2022

G.1151

**PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,**

**CHIEF EXECUTIVE OFFICER,  
A. P. STATE WAQF BOARD,  
4<sup>th</sup> FLOOR, IMDADGHAR WAQF COMPLEX, K.R.MARKET, VIJAYAWADA.**

**F.No.R4 / 678 / Rent / KSN / 2003-Suppl (MoU).**

**Date: 15-09-2022.**

D.M. & RENT SECTION - NTR DISTRICT - DARGAH HAZRATH GALIB SHAHEED (RH) SITUATED AT BHAVANIPURAM - MEMORANDUM OF UNDERSTANDING SUBMITTED BY THE REMOVED MUJAWARS AND SELF STYLED MUJAWARS - MATTER PLACED BEFORE THE BOARD - CONSTITUTION OF MANAGING COMMITTEE UNDER Sec. 18 OF WAQF ACT, 1995 - DIRECT MANAGEMENT CEASES.

- Read: 1) This Office Proceedings F.No.R4/678/Rent/KSN/2003, dated:29.09.2018.  
2) Memorandum of Understanding dated:NIL, (received on 08.04.2022) submitted by the removed Mujawars and Self styled Mujawars.  
3) Board's Resolution No.258/2022, dated:12.04.2022.  
4) Opinion of Legal Advisor, APSWB, dated:21.04.2022.  
5) Board's Resolution No.285/2022, dated:19.05.2022.  
6) Reprn. of the Jamaat-e-Mujawars of Dargah Hzt. Galib Shaheed, dated:29.06.2022 alongwith Undertaking (on Affidavit).

- 7) Board's Resolution No.340/2022 dated:24-08-2022.
- 8) Orders of the Hon'ble Chairperson, ASPWB, dated:15/09/2022.
- 9) MoU dated:15/09/2022 executed in pursuance of the Board's Resolution No.340/2022, dt.24.08.2022.

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**ORDER:-**

1. The Waqf institution namely the Dargah Hazrat Ghalib Shaheed (Rh), situated at Bhavanipuram, Vijayawada, NTR District (Earlier Krishna District) and its attached landed property in Sy.No.10 to an extent of Ac.45.76 cents, Sy.No.63 to an extent of Ac.35.20 cents, and Sy.No.64/2 to an extent Ac.1.57 cents situated at Bhavanipuram, Sy.No.600 to an extent of Ac.16.73 cents and Sy.No.608 to an extent of Ac.16.85 cents situated at Gollapudi village, are surveyed and notified Waqf property and got published in A.P. Gazette No.26 at serial No.747 dated. 28.6.1962 and the same is under the management of A.P. State Waqf Board by virtue of proceedings Dt:29-09-2018.
2. The Board had constituted a Committee consisting of 11 persons out of the Mujawars families as Joint Mutawallis to look after the affairs of the subject institution and its attached properties vide Proceedings F.No.B3/36/KST/02, dated:01.02.2005. Thereafter, the Waqf Board noticed adverse claim raised for the first time by the so called Mujawars claiming title to the property. Under those circumstances, the Waqf Board taken the institution under direct management vide proceedings 1<sup>st</sup> read above, under panchanama on 06.10.2018.
3. Questioning the said order, Sri Mohd. Mushtaq Ahmed and others have filed Writ Petition No.36830/2018 before the Hon'ble Court. Aggrieved by the interim orders they also preferred Writ Appeal No.1470/2018. A Division Bench of this Hon'ble Court by an order dated:08.11.2018 disposed of both the Writ Appeal as well as the Writ Petition merely granting liberty to the petitioners therein to resubmit a representation to the State Government. In pursuance of the said order, the State Government passed Memo dated:15.07.2020 rejecting the representation / appeal of the Petitioners.

4. Questioning the Govt., rejection Memo dt.15.07.2020, they filed W.P.No.15284 of 2020 before the High Court and the Hon'ble High Court granted interim orders to maintain status quo while the case is pending for adjudication.

5. While the matter stood thus, the five live members (1) Sri Mohd. Altaf, S/o.Hakeem, (2) Sri Abdul Raheem, S/o. Mohd. Akbar, (3) Sri Abdul Salam S/o.Mastan, (4) Sri Shaik Ismail S/o.Ibrahim and (5) Sri Abdul Jaleel, S/o.Alijan alongwith (6) Sri Mohd. Mushtaq Ahmed, (7) Sri Md. Shabbir, S/o. Fakeer Jan, (8) Sri Md. Niza, S/o. Nooruddin, (9) Sri Sk. Ismail S/o. Salam, (10) Sri Abdul Rehman, S/o. Abdul Kareem, (11) Sri Sk. Nayeem, S/o. Sk. Ataullah, (12) Sri Sk. Riyaz, S/o. Md.Ismail, (13) Sri Chan Basha, S/o.Aleem, have submitted a Memorandum of Understanding on 08.04.2022.

6. The entire subject matter was placed before the Board meeting held on 12.04.2022 and the Board referred the matter to the Legal expert. The Legal Advisor, AP State Waqf Board, has given opining that the Board is having powers U/Sec.32 of the Waqf Act, 1995 to exercise terms of the scheme of things and to appoint or remove Mutawllies.

7. Again the entire matter was placed before the Board meeting held on 19.05.2022 wherein the Board has proposed amendments to (4) Clauses, vide Resolution No.285/2022 dated:19.05.2022

8. In pursuance of the above said Resolution, the Jamaat-e-Mujavars of Dargah Hzt. Galib Shaheed (R.A.)., Bhavanipura, submitted a repn., dated:29.06.2022 alongwith an Undertaking duly notarized (on Rs.100/- stamp paper). They also submitted a panel of names for constitution of Managing Committee with the consent from the (5) live members.

9. Once again the entire matter is placed before the Board in its meeting held on 24-08-2022 alongwith draft final Memorandum of Understanding (MoU). Accordingly, the Board vide Resolution No.340/2022 Dated:24.08.2022 unanimously resolved to constitute Managing Committee U/s.18 of the Waqf Act, 1995 for a period of (2) years and approved the draft final MoU.

10. Consequently, the matter was placed before the Hon'ble Chairperson, APSWB, who after examining the matter has passed orders vide ref.8<sup>th</sup> read above.

11. In compliance with the above said Resolution and the orders of the Hon'ble Chairperson, APSWB, a Memorandum of Understanding is executed by and between the Jamaat-e-Mujavars of the Dargah-e-Shareef of Hazrath Galib Shaheed Dargah, Bhavanipuram, Vijayawada-12 rep. by its President Sri Mohammed Mushtaq Ahmed, S/o. Sri Abdul Jaleel, and the A.P.State Waqf Board, rep. by its Chief Executive Officer, Imdadghar, K.R.Market, Vijayawada, NRT District, on 15-09-2022 which is notarized, vide ref.9<sup>th</sup> read above.

12. Accordingly, a Managing Committee with the following panel of names is hereby constituted U/s.18 of the Waqf Act, 1995 for a period of two years from the date of issue of this proceedings to manage the day to day affairs of the subject Waqf Institutions smoothly:

1) Janab Mohammed Mustaque Ahmmed, S/o. Abdul Jaleel	..	President
2) Janab Md. Altaf, S/o. Abdul Hakeem	..	Treasurer
3) Janab Abdul Rahim, S/o. Md. Akbar	..	Member
4) Janab Shaik Chan Basha, S/o. Abdul Aleem	..	Member
5) Janab Abdul Rehman, S/o. Abdul Kareem	..	Member
6) Janab Shaik Ismail, S/o. Abdul Salam	..	Member
7) Janab Mohammed Karimullah, S/o.Md. Suleman	..	Member
8) Janab Md. Nizamuddin, S/o. Nuruddin	..	Member
9) Janab Shaik Nayeem, S/o. Ataullah	..	Member
10)Janab Mohammed Nasarat, S/o. Mahaboob Jani	..	Member
11)Janab Sk. Riyaz, S/o. Sk. Ismail	..	Member

13. With the constitution of Managing Committee the subject institution ceases to be under Direct Management. The above said Managing Committee shall strictly follow/abide by the terms and conditions of the Memorandum of Understanding executed, vide ref.9<sup>th</sup> read above. This Proceedings shall be read with the MoU executed, which is enclosed herewith.

14. The Managing Committee shall open Bank A/c. in the name of Waqf institution in any nationalized Bank within a period of two days from the date of issue of this proceedings and the accounts shall be operated jointly by the President and Treasurer. A copy of the Bank Account Pass Book shall be submitted in the Waqf Board immediately.

15. As per Sec. 101 of Waqf Act, 1995, *"Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code"*. As such, for the illegal act if any, every member of the committee will be liable for penal action. The Committee shall also note that Sec. 3 (ee) defined encroacher, sec. 52-A explains rigorous punishment up to (2) years and Sec. 61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully delinquently and maintain account scrupulously.

16. The Waqf Board reserves its right to modify / cancel / alter / withhold the orders at any time without assigning any reasons thereof.

**L. ABDUL KHADIR,**  
*Chief Executive Officer,*  
*A.P. State Waqf Board, Vijayawada.*

To

1) Janab Mohammed Mustaque Ahmed,  
S/o.Abdul Jaleel,  
President, Managing Committee,  
Dargah Hzt. Galib Shaheed,  
Bhavanipuram, Vijayawada.

2) All the Managing Committee members and (5) live Members (through I.A. Waqfs, NTR District for service and return).

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